



General Assembly

**Substitute Bill No. 5286**

January Session, 2009

\* \_\_\_\_\_ HB05286PD \_\_\_\_\_ 031009 \_\_\_\_\_ \*

**AN ACT ESTABLISHING THE GREENWAY COMMONS  
IMPROVEMENT DISTRICT IN THE TOWN OF SOUTHTON.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1       Section 1. (*Effective July 1, 2009*) (a) For purposes of this section:
- 2       (1) "District" means that certain real property, situated in the town  
3       of Southington, the county of Hartford and the state of Connecticut,  
4       the Greenway Commons Improvement District, a body politic and  
5       corporate, consisting of the area bounded and described as follows:  
6       Beginning at a point on the easterly streetline of Water Street at the  
7       northwesterly corner of land now or formerly of Edward A. Piteo (tax  
8       map 110, lot 172), thence running westerly across Water Street to the  
9       westerly streetline of Water Street, thence running northerly along the  
10      westerly streetline of Water Street and across Mill Street to the  
11      northerly streetline of Mill Street, thence running easterly along the  
12      northerly streetline of Mill Street to the easterly boundary of the  
13      greenway, thence running southerly along the easterly boundary of the  
14      greenway to the southwesterly corner of land now or formerly of the  
15      Town of Southington (tax map 111, lot 25), thence running South 56°-  
16      21'-12" East 94.40 feet, thence running South 89°-07'-42" East 24.96 feet,  
17      all along land now or formerly of the Town of Southington, (tax map  
18      111, lot 25), thence running South 03°-28'-48" West 123.40 feet along  
19      land now or formerly of The Southington Young Men's Christian

20 Association, Incorporated (tax map 111, lot 16), thence running  
21 southerly across High Street to the northeasterly corner of land now or  
22 formerly of Ideal Forging (tax map 99, lot 151), thence running South  
23 02°-04'-12" East 147.70 feet along the westerly streetline of North  
24 Liberty Street, thence running South 84°-34'-58" West 148.88 feet along  
25 land now or formerly of J. Robert Britton et al (tax map 111, Lot 1),  
26 thence running South 01°-58'-23" West 296.76 feet along land now or  
27 formerly of J. Robert Britton et al (tax map 111, lot 1), land now or  
28 formerly of Nancy L. Rich (tax map 100, lot 88), and land now or  
29 formerly of The Sons of Italy (tax map 100, lot 85), each in part, thence  
30 running southerly across Center Street to the southerly streetline of  
31 Center Street, thence running westerly along the southerly streetline of  
32 Center Street crossing South Center Street and continuing westerly  
33 along the southerly streetline of Center Street to the northwesterly  
34 corner of land now or formerly of John A. Muir, Jr. (tax map 99, lot  
35 145), thence running South 13°-38'-17" West 76.05 feet along land now  
36 or formerly of John A. Muir, Jr. (tax map 99, lot 145), thence running  
37 North 73°-20'-43" West 155.42 feet, thence running South 19°-23'-57"  
38 West 54.65 feet, thence running North 73°-20'-43" West 83 feet more or  
39 less, all along land now or formerly of John A. Muir, Jr. (tax map 99, lot  
40 142), thence running northerly 55 feet more or less along the centerline  
41 of the Quinnipiac River, thence running South 73°-20'-43" East 65 feet  
42 more or less, thence running North 19°-23'-57" East 67.42 feet, all along  
43 land now or formerly of Marek Nowogrodzki (tax map 99, lot 147),  
44 thence running westerly along the southerly streetline of Center Street  
45 to the centerline of the Quinnipiac River, thence running northerly  
46 across Center Street and thence continuing northeasterly 740 feet more  
47 or less, along the centerline of the Quinnipiac River to the  
48 northwesterly corner of land now or formerly of Edward A. Piteo (tax  
49 map 110, lot 172), thence running North 63°-31'-43" West 133 feet more  
50 or less along land now or formerly of Edward A. Piteo (tax map 110,  
51 lot 172) to the point of beginning. The project boundaries shall also  
52 include any off-site locations mandated by any permitting agency for  
53 improvements associated with the project.

54       (2) "Voter" means (A) any person who is an elector of the district, (B)  
55 any citizen of the United States of the age of eighteen years or more  
56 who, jointly or severally, is liable to the district for taxes assessed  
57 against such citizen on an assessment of not less than one thousand  
58 dollars on the last-completed grand list of such district, as the case may  
59 be, or who would be so liable if not entitled to an exemption under  
60 subdivision (17), (19), (22), (23) or (26) of section 12-81 of the general  
61 statutes, or (C) any holder of record of an interest in real property  
62 within the district.

63       (3) "Bonds" means bonds, notes or other obligations authorized by  
64 this section.

65       (b) (1) Upon the petition of fifteen or more persons eligible to vote in  
66 the town of Southington, specifying the district for any or all of the  
67 purposes set forth in this section, the town manager of such town shall  
68 call a meeting of the voters to act upon such petition, which meeting  
69 shall be held at such place within such town and such hour as the town  
70 manager designates, not later than thirty days after such petition has  
71 been received by the town manager. Such meeting shall be called by  
72 publication of a written notice of the same, signed by the town  
73 manager, at least fourteen days before the time fixed for such meeting  
74 in two successive issues of some newspaper published or circulated in  
75 such town. Not later than twenty-four hours before such meeting, (A)  
76 two hundred or more voters or ten per cent of the total number of  
77 voters of such proposed district, whichever is less, may petition the  
78 town manager, in writing, for a referendum of the voters of such  
79 proposed district, or (B) the town manager in his or her discretion may  
80 order a referendum of the voters of such proposed district, on the sole  
81 question of whether the proposed district should be established. Any  
82 such referendum shall be held not less than seven or more than  
83 fourteen days after the receipt of such petition or the date of such  
84 order, on a day to be set by the town manager for a vote by paper  
85 ballots or by a "yes" or "no" vote on the voting machines, during the  
86 hours between twelve o'clock noon and eight o'clock p.m.; except that  
87 such town may, by vote of its town council, provide for an earlier hour

88 for opening the polls but not earlier than six o'clock a.m.,  
89 notwithstanding the provisions of any special act. If voters  
90 representing at least two-thirds of the assessments of holders of record  
91 within the proposed district cast votes in such referendum in favor of  
92 establishing the proposed district, the town manager shall reconvene  
93 such meeting not later than seven days after the day on which the  
94 referendum is held. Upon approval of the petition for the proposed  
95 district by voters representing at least two-thirds of the assessments of  
96 holders of record within the proposed district present at such meeting,  
97 or if a referendum is held, upon the reconvening of such meeting after  
98 the referendum, the voters, upon the vote of voters representing a  
99 majority of assessments of holders of record within the proposed  
100 district, shall choose necessary officers therefor to hold office until the  
101 first annual meeting thereof; and the district shall, upon the filing of  
102 the first report filed in the manner provided in subsection (c) of section  
103 7-325 of the general statutes, thereupon be a body corporate and politic  
104 and have the powers provided in sections 7-324 to 7-329, inclusive, of  
105 the general statutes, not inconsistent with the general statutes or this  
106 section, in relation to the objects for which it was established, that are  
107 necessary for the accomplishment of such objects, including the power  
108 to lay and collect taxes. The clerk of such district shall cause its name  
109 and a description of its territorial limits and of any additions that may  
110 be made thereto to be recorded in, and a caveat be placed upon, the  
111 land records of the town of Southington.

112 (2) At the meeting called for the purpose of establishing the district  
113 as provided in subdivision (1) of this subsection, the voters may  
114 establish the district for any or all of the following purposes: To  
115 extinguish fires, to light streets, to plant and care for shade and  
116 ornamental trees, to plan, lay out, acquire, construct, maintain and  
117 finance roads, sidewalks, crosswalks, drains, sewers and sewage  
118 treatment facilities, utility improvements and connections, parking  
119 facilities, open space, bulkhead repairs, dredging and construction,  
120 environmental remediation and other infrastructure improvements  
121 and to acquire, construct, maintain and regulate the use of recreational

122 facilities, to plan, lay out, acquire, construct, reconstruct, repair,  
123 maintain, supervise and manage a flood or erosion control system, and  
124 to plan, lay out, acquire, construct, maintain, operate, finance and  
125 regulate the use of a community water system, all as hereinafter  
126 referred to as the "improvements". The district may contract with a  
127 town, city, borough or other district for carrying out any of the  
128 purposes or the purchase or sale of any of the improvements for which  
129 such district was established.

130       (3) At the meeting called for the purpose of establishing the district  
131 as provided in subdivision (1) of this subsection, the voters shall fix the  
132 date of the annual meeting of the voters for the election of district  
133 officers and the transaction of such other business as may properly  
134 come before such annual meeting. At such organizational meeting of  
135 the district, the voters shall elect five directors, provided, upon its  
136 organization and at all times thereafter, one director may be appointed  
137 by the town council of the town of Southington. From such directors,  
138 the voters shall elect at the organizational meeting a president, vice-  
139 president, a clerk and a treasurer to serve until the first annual meeting  
140 for the election of officers and thereafter such officers shall be elected  
141 annually. Not fewer than three members of the board of directors shall  
142 be residents of the state of Connecticut. Subject to the provisions of  
143 subdivision (4) of this subsection, not fewer than fifteen voters of the  
144 district shall constitute a quorum for the transaction of business at such  
145 organizational meeting of the district; and if fifteen voters are not  
146 present at such meeting, the town manager may adjourn such meeting  
147 from time to time, until at least fifteen voters are present. Special  
148 meetings of the district may be called on the application of ten per cent  
149 of the total number of voters of such district or twenty of the voters of  
150 such district, whichever is less, or by the president or any three  
151 directors upon giving notice as provided in this subdivision. Any  
152 special meeting called on the application of the voters shall be held not  
153 later than twenty-one days after receiving such application. Notice of  
154 the holding of the annual meeting and all special meetings shall be  
155 given by publication of a notice of such meetings in a newspaper

156 having a general circulation in such district at least ten days before the  
157 day of such meetings, signed by the president or any three directors,  
158 which notice shall designate the time and place of such meetings and  
159 the business to be transacted thereat. Two hundred or more persons or  
160 ten per cent of the total number of voters of such district, whichever is  
161 less, may petition the clerk of such district, in writing, at least twenty-  
162 four hours prior to any such meeting, requesting that any item or items  
163 on the call of such meeting be submitted to the voters not less than  
164 seven or more than fourteen days thereafter, on a day to be set by the  
165 district meeting or, if the district meeting does not set a date, by the  
166 board of directors, or a vote by paper ballots or by a "yes" or "no" vote  
167 on the voting machines, during the hours between twelve o'clock noon  
168 and eight o'clock p.m., except that any district may, by vote of its  
169 board of directors, provide for an earlier hour for opening the polls but  
170 not earlier than six o'clock a.m. The paper ballots or voting machine  
171 ballot labels, as the case may be, shall be provided by the clerk. When  
172 such a petition has been filed with the clerk, the president, after  
173 completion of other business and after reasonable discussion shall  
174 adjourn such meeting and order such vote on such item or items in  
175 accordance with the petition; and any item so voted may be rescinded  
176 in the same manner. The clerk shall phrase such item or items in a  
177 form suitable for printing on such paper ballots or ballot labels. Subject  
178 to the provisions of subdivision (4) of this subsection, not fewer than  
179 fifteen voters of the district shall constitute a quorum for the  
180 transaction of business at any meeting of the district; and if fifteen  
181 voters are not present at such meeting, the president of the district or,  
182 in such president's absence, the vice-president, may adjourn such  
183 meeting from time to time, until at least fifteen voters are present; and  
184 all meetings of the district where a quorum is present may be  
185 adjourned from time to time by a vote of a majority of the voters  
186 voting on the question. At any annual or special meeting, the voters  
187 may, by a majority vote of those present, discontinue any purposes for  
188 which the district is established or undertake any additional purpose  
189 or purposes enumerated in subdivision (2) of this subsection.

190       (4) (A) A quorum for the transaction of business at the meeting  
191 called for the purpose of establishing the district, as provided in  
192 subdivisions (1) and (3) of this subsection, shall be either fifteen voters  
193 of such district or a majority of the holders of record of interests in real  
194 property within such district, as long as the assessments of such  
195 holders of record constitute more than one-half of the total of  
196 assessments for all interests in real property within such district. If  
197 fifteen voters or a majority of the holders of record of interests in real  
198 property within such district are not present at such meeting or the  
199 assessments of such holders of record constitute less than one-half of  
200 the total of assessments for all interests in real property within such  
201 district, the town manager may adjourn such meeting, from time to  
202 time, until at least fifteen voters or a majority of the holders of record  
203 of interests in real property within such district are present and the  
204 assessments of such holders of record constitute more than one-half of  
205 the total of assessments for all interests in real property within such  
206 district.

207       (B) For the transaction of business at any other meeting of the  
208 district, a quorum shall be either fifteen voters of the district or a  
209 majority of the holders of record of interests in real property within  
210 such district, as long as the assessments for such holders of record  
211 constitute more than one-half of the total of assessments for all  
212 interests in real property within such district. If fifteen voters or a  
213 majority of the holders of record of interests in real property within  
214 such district are not present at such meeting or the assessments of such  
215 holders of record constitute less than one-half of the total assessments  
216 for all interests in real property within such district, the president of  
217 the district, or in such president's absence, the vice-president, may  
218 adjourn such meeting, from time to time, until at least fifteen voters or  
219 a majority of the holders of record of interests in real property within  
220 such district are present and the assessments of such holders of record  
221 constitute more than one-half of the total of assessments for all  
222 interests in real property within such district.

223       (5) In any case in which an action for a vote by the voters of the

224 district is to be initiated by the petition of such voters, in addition to  
225 such other requirements as the general statutes or any special act may  
226 impose, such petition shall be on a form prescribed or approved by the  
227 clerk of such district, and each page of such petition shall contain a  
228 statement, signed under penalties of false statement, by the person  
229 who circulated the same, setting forth such circulator's name and  
230 address, and stating that each person whose name appears on said  
231 page signed the same in person in the presence of such circulator, that  
232 the circulator either knows each such signer or that the signer  
233 satisfactorily identified himself to the circulator and that all the  
234 signatures on said page were obtained not earlier than six months  
235 prior to the filing of said petition. Any page of a petition which does  
236 not contain such a statement by the circulator shall be invalid. Any  
237 circulator who makes a false statement in the statement hereinbefore  
238 provided shall be subject to the penalty provided for false statement.  
239 No petition shall be valid for any action for a vote by the voters at any  
240 regular or special district meeting unless such petition shall be  
241 circulated by a voter eligible to vote in such district.

242 (c) Whenever the officers of such district vote to terminate its  
243 corporate existence and whenever a petition signed by ten per cent of  
244 the total voters of such district or twenty of the voters of such district,  
245 whichever is less, applying for a special meeting to vote on the  
246 termination of the district is received by the clerk, the clerk shall call a  
247 special meeting of the voters of such district, the notice of which shall  
248 be signed by the officers thereof, by advertising the same in the same  
249 manner as provided in section 7-325 of the general statutes. Not later  
250 than twenty-four hours before any such meeting, two hundred or more  
251 voters or ten per cent of the total number of voters, whichever is less,  
252 may petition the clerk of the district, in writing, that a referendum on  
253 the question of whether the district should be terminated be held in the  
254 manner provided in section 7-327 of the general statutes. If, at such  
255 meeting, a two-thirds majority of the voters present vote to terminate  
256 the corporate existence of the district, or, if a referendum is held, two-  
257 thirds of the voters casting votes in such referendum vote to terminate



258 the corporate existence of the district, the officers shall proceed to  
259 terminate the affairs of such district. The district shall pay all  
260 outstanding indebtedness and turn over the balance of the assets of  
261 such district to the town of Southington, if the legislative body of the  
262 town authorizes such action. No district shall be terminated under this  
263 subsection until all of its outstanding indebtedness is paid unless the  
264 legislative body of the town of Southington agrees, in writing, to  
265 assume such indebtedness. On completion of the duties of the officers  
266 of such district, the clerk shall cause a certificate of the vote of such  
267 meeting to be recorded in the land records of the town of Southington  
268 and the clerk shall notify the Secretary of the Office of Policy and  
269 Management.

270 (d) (1) For purposes of voting at meetings held by such district, any  
271 tenant in common of any interest in real property shall have a vote  
272 equal to the fraction of such tenant in common's ownership of such  
273 interest. Any joint tenant of any interest in real property shall vote as if  
274 each such tenant owned an equal fractional share of such real  
275 property. A corporation shall have its vote cast by the chief executive  
276 officer of such corporation, or such officer's designee. Any entity that is  
277 not a corporation shall have its vote cast by a person authorized by  
278 such entity to cast its vote. No owner shall have more than one vote.

279 (2) No holder of record of an interest in real property shall be  
280 precluded from participating in any district meeting or referendum  
281 because of the form of entity that holds such interest, whether such  
282 holder of record is (A) a corporation, partnership, unincorporated  
283 association, trustee, fiduciary, guardian, conservator or other form of  
284 entity, or any combination thereof, or (B) an individual who holds  
285 interests jointly or in common with another individual or individuals,  
286 or with any one or more of the entities listed in subparagraph (A) of  
287 this subdivision.

288 (e) Notwithstanding any provision of the general statutes, including  
289 sections 7-324 to 7-329, inclusive, of the general statutes, the district  
290 shall have the power to assess, levy and collect benefit assessments

291 upon the land and buildings in the district which, in its judgment, are  
292 benefited by the improvements.

293 (f) (1) Notwithstanding any provision of the general statutes,  
294 including sections 7-324 to 7-329, inclusive, of the general statutes, the  
295 district shall have the power to fix, revise, charge, collect, abate and  
296 forgive reasonable taxes, fees, rents and benefit assessments, and other  
297 charges for the cost of the improvements, financing costs, operating  
298 expenses and other services and commodities furnished or supplied to  
299 the real property in the district in accordance with the applicable  
300 provisions of the general statutes which apply to districts established  
301 under section 7-325 of the general statutes, and this section and in the  
302 manner prescribed by the district. Notwithstanding any provision of  
303 the general statutes, the district may make grants for, or pay the entire  
304 cost of any improvements, including the costs of financing such  
305 improvements, capitalized interest and the funding of any reserve  
306 funds necessary to secure such financing or the debt service of bonds  
307 or notes issued to finance such costs, from taxes, fees, rents, benefit  
308 assessments or other revenues and may assess, levy and collect said  
309 taxes, fees, rents or benefit assessments concurrently with the issuance  
310 of bonds, notes or other obligations to finance such improvements  
311 based on the estimated cost of the improvements prior to the  
312 acquisition or construction of the improvements or upon the  
313 completion or acquisition of the improvements.

314 (2) Notwithstanding any provision of the general statutes, whenever  
315 the district constructs, improves, extends, equips, rehabilitates, repairs,  
316 acquires or provides a grant for any improvements or finances the cost  
317 of such improvements, such proportion of the cost or estimated cost of  
318 the improvements and financing thereof as determined by the district,  
319 may be assessed by the district, herein referred to as "benefit  
320 assessments", in the manner prescribed by such district, upon the  
321 property benefited by such improvements and the balance of such  
322 costs shall be paid from the general funds of the district. The district  
323 may provide for the payment of such benefit assessments in annual  
324 installments, not exceeding thirty, and may forgive such benefit

325 assessments in any single year without causing the remainder of  
326 installments of benefit assessments to be forgiven. Benefit assessments  
327 to buildings or structures constructed or expanded after the initial  
328 benefit assessment may be assessed as if the new or expanded  
329 buildings or structures had existed at the time of the original benefit  
330 assessment.

331       (3) In order to provide for the collection and enforcement of its  
332 taxes, fees, rents, benefit assessments and other charges, the district is  
333 hereby granted all the powers and privileges with respect thereto as  
334 districts organized pursuant to section 7-325 of the general statutes,  
335 and as held by the town of Southington or as otherwise provided in  
336 this section. Such taxes, fees, rents or benefit assessments, if not paid  
337 when due, shall constitute a lien upon the premises served and a  
338 charge against the owners thereof, which lien and charge shall bear  
339 interest at the same rate as delinquent property taxes. Each such lien  
340 may be continued, recorded and released in the manner provided for  
341 property tax liens and shall take precedence over all other liens or  
342 encumbrances except a lien for taxes of the town of Southington. Each  
343 such lien may be continued, recorded and released in the manner  
344 provided for property tax liens.

345       (4) The budget, taxes, fees, rents, benefit assessments and any other  
346 charges of the district of general application shall be adopted and  
347 revised by the board at least annually no more than thirty days before  
348 the beginning of the fiscal year, in accordance with the procedures to  
349 be established by the board, at a meeting called by the board, assuring  
350 that interested persons are afforded notice and an opportunity to be  
351 heard. The board shall hold at least two public hearings on its schedule  
352 of fees, rates, rents, benefit assessments and other charges or any  
353 revision thereof before adoption, notice of which shall be delivered to  
354 the town manager of the town of Southington and be published in at  
355 least two newspapers of general circulation in the town of Southington  
356 at least ten days in advance of the hearing. No later than the date of the  
357 publication, the board shall make available to the public and deliver to  
358 the town manager of the town of Southington the proposed schedule

359 of fees, rates, rents, benefit assessments and other charges. The  
360 procedures regarding public hearing and appeal, provided by section  
361 7-250 of the general statutes, shall apply for all benefit assessments  
362 made by the district, except that the board shall be substituted for the  
363 water pollution control authority. Should the benefit assessments be  
364 assessed and levied prior to the acquisition or construction of the  
365 improvements, then the amount of the benefit assessments shall be  
366 adjusted to reflect the actual cost of the improvements, including all  
367 financing costs, once the improvements have been completed, should  
368 the actual cost be greater than or less than the estimated costs. Benefit  
369 assessments shall be due and payable at such times as are fixed by the  
370 board, provided the district shall give notice of such due date not less  
371 than thirty days prior to such due date by publication in a newspaper  
372 of general circulation in the town of Southington and by mailing such  
373 notice to the owners of the property assessed at their last-known  
374 address.

375 (g) (1) Notwithstanding any provision of the general statutes,  
376 including sections 7-324 to 7-329, inclusive, of the general statutes,  
377 whenever the district has authorized the acquisition or construction of  
378 the improvements or has made an appropriation therefor, the district  
379 may authorize the issuance of up to ten million dollars of bonds, notes  
380 or other obligations to finance the cost of the improvements, the  
381 creation and maintenance of reserves required to sell the bonds and  
382 the cost of issuance of the bonds, provided no bonds shall be issued  
383 prior to the district entering into an interlocal agreement with the town  
384 of Southington, in accordance with the procedures provided by section  
385 7-339c of the general statutes, including at least one public hearing on  
386 the proposed agreement and ratification by the town council. The  
387 bonds may be secured as to both principal or interest by (A) the full  
388 faith and credit of the district, (B) fees, revenues or benefit assessments,  
389 or (C) a combination of subparagraphs (A) and (B) of this subdivision.  
390 Such bonds shall be authorized by resolution of the board. The district  
391 is authorized to secure such bonds by the full faith and credit of the  
392 district or by a pledge of or lien on all or part of its revenues, fees or

393 benefit assessments. The bonds of each issue shall be dated, shall bear  
394 interest at the rates and shall mature at the time or times not exceeding  
395 thirty years from their date or dates, as determined by the board, and  
396 may be redeemable before maturity, at the option of the board, at the  
397 price or prices and under the terms and conditions fixed by the board  
398 before the issuance of the bonds. The board shall determine the form of  
399 the bonds, and the manner of execution of the bonds, and shall fix the  
400 denomination of the bonds and the place or places of payment of  
401 principal and interest, which may be at any bank or trust company  
402 within the state of Connecticut and other locations as designated by  
403 the board. In case any officer whose signature or a facsimile of whose  
404 signature shall appear on any bonds or coupons shall cease to be an  
405 officer before the delivery of the bonds, the signature or facsimile shall  
406 nevertheless be valid and sufficient for all purposes the same as if the  
407 officer had remained in office until the delivery.

408       (2) While any bonds issued by the district remain outstanding, the  
409 powers, duties or existence of the district shall not be diminished or  
410 impaired in any way that will affect adversely the interests and rights  
411 of the holders of the bonds. Bonds issued under this section, unless  
412 otherwise authorized by law, shall not be considered to constitute a  
413 debt of the state of Connecticut or the town of Southington, or a pledge  
414 of the full faith and credit of the state of Connecticut or the town of  
415 Southington, but the bonds shall be payable solely by the district or as  
416 special obligations payable from particular district revenues. Any  
417 bonds issued by the district shall contain on their face a statement to  
418 the effect that neither the state of Connecticut nor the town of  
419 Southington shall be obliged to pay the principal of or the interest  
420 thereon, and that neither the full faith and credit or taxing power of the  
421 state of Connecticut or the town of Southington is pledged to the  
422 payment of the bonds. All bonds issued under this section shall have  
423 and are hereby declared to have all the qualities and incidents of  
424 negotiable instruments, as provided in title 42a of the general statutes.

425       (h) (1) The board may authorize that the bonds be secured by a trust  
426 agreement by and between the district and a corporate trustee, which

427 may be any trust company or bank having the powers of a trust  
428 company within the state of Connecticut. The trust agreement may  
429 pledge or assign the revenues. Either the resolution providing for the  
430 issuance of bonds or the trust agreement may contain covenants or  
431 provisions for protecting and enforcing the rights and remedies of the  
432 bondholders as may be necessary, reasonable or appropriate and not in  
433 violation of law.

434       (2) All expenses incurred in carrying out the trust agreement may be  
435 treated as a part of the cost of the operation of the district. The pledge  
436 by any trust agreement or resolution shall be valid and binding from  
437 time to time when the pledge is made; the revenues or other moneys  
438 so pledged and then held or thereafter received by the board shall  
439 immediately be subject to the lien of the pledge without any physical  
440 delivery thereof or further act; and the lien of the pledge shall be valid  
441 and binding as against all parties having claims of any kind in tort,  
442 contract or otherwise against the board, irrespective of whether the  
443 parties have notice thereof. Notwithstanding any provision of the  
444 Uniform Commercial Code, neither this subsection, the resolution or  
445 any trust agreement by which a pledge is created need be filed or  
446 recorded except in the records of the board, and no filing need be  
447 made under title 42a of the general statutes.

448       (i) Bonds issued under this section are hereby made securities in  
449 which all public officers and public bodies of the state of Connecticut  
450 and its political subdivisions, all insurance companies, trust  
451 companies, banking associations, investment companies, executors,  
452 administrators, trustees and other fiduciaries may properly and legally  
453 invest funds, including capital in their control and belonging to them;  
454 and such bonds shall be securities which may properly and legally be  
455 deposited with and received by any state or municipal officer or any  
456 agency or political subdivision of the state of Connecticut for any  
457 purpose for which the deposit of bonds of the state of Connecticut is  
458 now or may hereafter be authorized by law.

459       (j) Bonds may be issued under this section without obtaining the

460 consent of the state of Connecticut or the town of Southington, and  
461 without any proceedings or the happening of any other conditions or  
462 things other than those proceedings, conditions or things that are  
463 specifically required thereof by this section, and the validity of and  
464 security for any bonds issued by the district shall not be affected by the  
465 existence or nonexistence of the consent or other proceedings,  
466 conditions or things.

467 (k) The district and all its receipts, revenues, income and real and  
468 personal property shall be exempt from taxation and benefit  
469 assessments and the district shall not be required to pay any tax, excise  
470 or assessment to or from the state of Connecticut or any of its political  
471 subdivisions. The principal and interest on bonds or notes issued by  
472 the district shall be free from taxation at all times, except for estate and  
473 gift, franchise and excise taxes, imposed by the state of Connecticut or  
474 any political subdivision thereof, provided nothing in this section shall  
475 act to limit or restrict the ability of the state of Connecticut or the town  
476 of Southington to tax the individuals and companies, or their real or  
477 personal property or any person living or business operating within  
478 the boundaries of the district.

479 (l) The board shall at all times keep accounts of its receipts,  
480 expenditures, disbursements, assets and liabilities, which shall be open  
481 to inspection by a duly appointed officer or duly appointed agent of  
482 the state of Connecticut or the town of Southington. The fiscal year of  
483 the district shall begin on July first and end on the following June  
484 thirtieth or as otherwise established by section 7-327 of the general  
485 statutes. The district shall be subject to an audit of its accounts in the  
486 manner provided in the general statutes.

487 (m) (1) At such time as any construction or development activity  
488 financed by bonds issued by the district is taking place, the clerk of the  
489 district shall submit project activity reports quarterly to the Secretary  
490 of the Office of Policy and Management and to the chairpersons of the  
491 joint standing committee of the General Assembly having cognizance  
492 of matters relating to finance, revenue and bonding.

493       (2) The district shall take affirmative steps to provide for the full  
494 disclosure of information relating to the public financing and  
495 maintenance of improvements to real property undertaken by the  
496 district. Such information shall be provided to any existing residents  
497 and to all prospective residents of the district. The district shall furnish  
498 each developer of a residential development within the district with  
499 sufficient copies of such information to provide each prospective initial  
500 purchaser of property in such district with a copy, and any developer  
501 of a residential development within the district, when required by law  
502 to provide a public offering statement, shall include a copy of such  
503 information relating to the public financing and maintenance of  
504 improvements in the public offering statement.

505       (n) (1) This section shall be deemed to provide an additional,  
506 alternative and complete method of accomplishing the purposes of this  
507 section and exercising the powers authorized hereby and shall be  
508 deemed and construed to be supplemental and additional to, and not  
509 in derogation of, powers conferred upon the district by law and  
510 particularly by sections 7-324 to 7-329, inclusive, of the general  
511 statutes; provided insofar as the proceedings of this section are  
512 inconsistent with any general statute or special act, or any resolution or  
513 ordinance of the town of Southington, this section shall be controlling.

514       (2) Except as specifically provided in this section, all other statutes,  
515 ordinances, resolutions, rules and regulations of the state of  
516 Connecticut and the town of Southington shall be applicable to the  
517 property, residents and businesses located in the district. Nothing in  
518 this section shall in any way obligate the town of Southington to pay  
519 any costs for the acquisition, construction, equipping or operation and  
520 administration of the improvements located within the district or to  
521 pledge any money or taxes to pay debt service on bonds issued by the  
522 district except as may be agreed to in any interlocal agreements  
523 executed by the town of Southington and the district.

524       (o) At the option of the town of Southington by vote of the town  
525 council of the town of Southington, the district shall be merged into the



526 town of Southington if no bonds are issued by the district not later  
527 than four years after the effective date of this section or after the bonds  
528 authorized by this section are no longer outstanding and any property  
529 which is owned by the district shall be distributed to the town of  
530 Southington.

531 (p) This section, being necessary for the welfare of the town of  
532 Southington and its inhabitants, shall be liberally construed to effect  
533 the purposes hereof.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	July 1, 2009	New section
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***Statement of Legislative Commissioners:***

Section 1 (b), sentence 5, added "shall" before "choose necessary officers therefor" for grammar and consistency.

***PD***            *Joint Favorable Subst.-LCO*